

REMARKS

Upon entry of the amendments, claims 1-9, 11, and 12 will be pending in the application. Claims 1-5, 7, 9, and 11 are allowed. Claims 6 and 8 are rejected. Claim 12 is new.

Claims 3, 4, and 5 have been rewritten in independent form. Claims 6 and 8 have been amended as suggested by the Examiner.

Claim 6 has been amended to recite that the cell is transformed with an expression vector of claim 4. Support for this amendment can be found throughout the specification, for example, at page 31, lines 17-23.

No new matter has been introduced; consideration and entry of the amendments are respectfully requested.

Applicants thank the Examiner for withdrawing the finality of the Office Action of June 12, 2007 and for withdrawing rejections of claim 1-7 under 35 U.S.C. § 112, first paragraph, as well as claims 8-10 under 35 U.S.C. § 112, first paragraph.

Response to Rejection under 35 U.S.C. § 102

Claims 6 and 8 are rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Mitsuuchi *et al.*

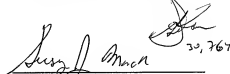
Applicants respectfully submit that Mitsuuchi does not teach each and every element as set forth in the rejected claims. In particular, Mitsuuchi does not teach the use of a cell transformed with an expression vector comprising the polynucleotide encoding a polypeptide that comprises the amino acid sequence SEQ ID NO:2 or SEQ ID NO:4 and that binds to Akt-2 or a polypeptide consisting of the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4.

Therefore, Mitsuuchi does not anticipate the rejected claims. Reconsideration and withdrawal of this rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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